

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2965 - HB 3821

February 13, 2012

SUMMARY OF BILL: Creates a Class A misdemeanor offense for the unauthorized use of governmental seals, logos, emblems, or insignia. Creates a Class E felony offense to use the state or any official seal, or any similar imitation on any writing or with the intent to defraud or harm another; to wear, display, or use any seal when not authorized; or to cause another to believe the use of a seal is authorized. Classifies a violation as a Class D felony if such seal is that of a paid or volunteer firefighter, law enforcement officer, or other public safety official.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$14,100/Incarceration*

Assumptions:

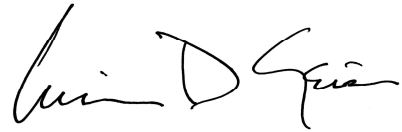
- The Department of Correction (DOC) estimates one Class E felony and one Class D felony every five years as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one Class E felony and one Class D felony every five years.
- According to DOC, the average operating cost per offender per for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days) and 1.86 years (679.37 days) at a cost of \$41,686.14 (\$61.36 x 679.37 days) for a Class D felony.
- The annualized cost per Class E felony is \$5,737.41 (0.20 annual number of convictions x \$28,687.03) and the annualized cost per Class D felony is \$8,337.23 (0.20 annual number of convictions x \$41,686.14). The total additional operating cost is \$14,074.64 (\$5,737.41 + \$8,337.23).
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any increase in caseloads for state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

- Due to the small number of offenders and the relatively short time served, no recidivism discount has been applied for these offenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc